# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

LOUIS E. GOODRICH	)
Claimant VS.	)
	) Docket No. 237,508
MOUND CITY PRODUCTS	)
Respondent	)
AND	)
CONTINENTAL NATIONAL AMERICAN GROUP	)
Insurance Carrier	)

### ORDER

Claimant appealed Administrative Law Judge Robert H. Foerschler's December 10, 1998, Preliminary Decision.

#### Issues

The Administrative Law Judge denied claimant's preliminary hearing application for a change of the authorized treating physician. Claimant contends the Administrative Law Judge exceeded his jurisdiction by denying claimant's request.

In the respondent's brief, it argues the Appeals Board does not have jurisdiction to review the above issue raised by the claimant.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

The first issue the Appeals Board will address is whether it has jurisdiction to review the Administrative Law Judge's preliminary finding denying claimant's request for a change of the authorized treating physician. The Appeals Board has had other occasions to address this issue and has found that a request for a change in physician is the furnishing

of medical compensation as contained in K.S.A. 1997 Supp. 44-534a. See Rembold v. R. Vickers Trucking, Inc., Docket No. 223,206 (September 1997).

The preliminary hearing statute found in K.S.A. 1997 Supp. 44-534a, gives the administrative law judge authority to grant or deny medical treatment pending the conclusion of a full hearing on the claim. Therefore, at this juncture of the proceedings, the Appeals Board finds it does not have jurisdiction to review the Administrative Law Judge's finding denying claimant's request for a change of the authorized treating physician.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the claimant's appeal is dismissed and Administrative Law Judge Robert H. Foerschler's Preliminary Decision dated December 10, 1998, remains in full force and effect.

## IT IS SO ORDERED.

Dated this day of January 1993	Dated this	day of January 1999
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#### **BOARD MEMBER**

c: William L. Phalen, Pittsburg, KS
D'Ambra Howard, Overland Park, KS
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Director